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FM AMEMBASSY KATHMANDU
TO RUEHC/SECSTATE WASHDC PRIORITY 1297
INFO RUEHBJ/AMEMBASSY BEIJING 7274
RUEHLM/AMEMBASSY COLOMBO 7618
RUEHKA/AMEMBASSY DHAKA 2969
RUEHNE/AMEMBASSY NEW DELHI 3436
RUEHRC/DEPT OF AGRICULTURE WASHDC
RUEAUSA/DEPT OF HHS WASHDC 0047
RULSAAP/USUHS BETHESDA MD//ASD//

UNCLAS KATHMANDU 000058

SENSITIVE
SIPDIS

E.O. 12958: N/A
TAGS: [ETRD](#) [SENV](#) [TBIO](#) [PGOV](#) [NP](#)
SUBJECT: NEPAL'S FORESTS MINISTER CONFIRMS BAN ON RHESUS
MONKEY EXPORTS

Summary

1. (U) Minister of Forests and Soil Conservation Deepak Bohara has confirmed he ruled current Nepali law prohibits the export of rhesus monkeys, both wild and captive-born. The decision, made public in late August 2009, prevents the National Biomedical Research Center (NBRC) from fulfilling its agreement to provide rhesus monkeys to the Texas-based Southwest Foundation for Biomedical Research. According to Minister Bohara, the NBRC could ask either the Supreme Court or the Prime Minister to overturn his ruling, but the latter is unlikely to do so because of widespread public opposition to the export of monkeys. He said that he has received about 10,000 letters in support of the ruling, most of which came from U.S. citizens.

Ruling Made to Clarify "Very Confusing" Law and Policies

2. (U) On January 22, Embaffs met with Minister of Forests and Soil Conservation Deepak Bohara to determine whether the Government of Nepal (GON) has banned the export of rhesus monkeys for research purposes and, if so, what is the extent of the ban. It was widely reported last August that the Ministry of Forests and Soil Conservation had ruled rhesus monkeys could not be exported. However, the Southwest Foundation for Biomedical Research (SFBR) has maintained these reports were inaccurate and the GON was still open to possibility of exporting captive-born monkeys. The SFBR had received a grant from the U.S. National Institutes of Health to fund the breeding of rhesus monkeys, which was being carried out by the Lalitpur-based National Biomedical Research Center (NBRC).

3. (U) According to Bohara, officials from NBRC asked him to make a definitive ruling as to whether the export of rhesus monkeys was permissible under Nepal's Wildlife Reproductive and Breeding Policy Act. He acknowledged that the 2003 law and the policy promulgated to enact it are "very confusing." Even so, Bohara said he eventually ruled "there is no such mandate in the legislation" permitting the export of rhesus monkeys, either wild and captive-born. He pointed out that the law does allow the export of monkey saliva, hair and blood samples for research purposes.

4. (U) Bohara said claims that government officials, at the time of the enactment of the Wildlife Reproductive and Breeding Policy Act, indicated they would permit the export of captive-bred monkeys are accurate. However, he noted, "The times have changed and the regime has changed. ...The people who promised them aren't here." He added NBRC produced "no paper document that clearly said, 'After breeding, you can export them.'"

Ruling Can Be Appealed

15. (U) NBRC has two options if it wants to pursue the export of rhesus monkeys, according to Bohara. It can ask either the Supreme Court or the Prime Minister to overturn his ruling. He speculated that the PM, who would need the Cabinet's consent, is unlikely to overturn the ruling because of "tremendous public pressure" in favor of the export prohibition. "The only institution where the outcry would be less is the courts," Bohara added.

16. (U) The Minister said he has so far received about 10,000 letters in support of his ruling, including one from world-famous primatologist Jane Goodall. Most of the letters, he noted, were written by U.S. citizens. Bohara proudly noted he recently saw a photograph on-line from a protest in Peru, where monkey exports are legal, in which one protester held a sign encouraging government officials to be "brave like Nepal."

Monkeys Being Returned to the Wild

17. (U) In his ruling, Bohara ordered NBRC to release all of its rhesus monkeys, including captive-born. He said that of the 200 wild monkeys originally captured for breeding, 36 have already been rehabilitated and released into the wild. The Department of Wildlife is working with non-governmental organizations to rehabilitate and release the remaining monkeys, which include about 100 born in captivity.

18. (U) NBRC officials have been offered a full refund of the Rs.5 million (about USD 69,000) they paid the GON to capture the 200 breeding monkeys. The government has released the money, but, so far, NBRC officials have refused to accept it, according to Bohara.

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